

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1766 of 1998

For Approval and Signature:

Hon'ble THE ACT.C.J. MR K.G.BALAKRISHNAN
and

MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No

2. To be referred to the Reporter or not? No

3. Whether Their Lordships wish to see the fair copy of the judgement? No

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No

5. Whether it is to be circulated to the Civil Judge? No

SILKWALA DYEING AND PRINTING MILLS

Versus

UNION OF INDIA

Appearance:

MR PARESH M DAVE for Petitioners
MR JAYANT PATEL for Respondent No. 1, 2, 3

CORAM : THE ACT.C.J. MR K.G.BALAKRISHNAN and
MR.JUSTICE J.M.PANCHAL

Date of decision: 23/06/98

ORAL JUDGEMENT

(Per : K.G.Balakrishan, Actg. C.J.) :-

Rule. Mr. Jayant Patel, learned Standing Counsel waives service thereof on behalf of the respondents.

The petitioners were appellants before CEGAT and as a condition precedent they have made deposit before the 3rd respondent. It is submitted by the petitioners' Counsel that the CEGAT has disposed of the appeal in favour of the petitioners. The petitioners made an application for refund of the pre-deposit in the month of October, 1997 vide application at Annexure-C. It is submitted that so far the said application has not been disposed of and the amount is not refunded to the petitioners, against that this Special Civil Application is filed.

We heard the petitioners' learned Counsel and Mr. Jayant Patel, learned Standing Counsel for the respondents.

Having regard to the facts of the case, we direct the 3rd respondent to process the application and pass appropriate orders in accordance with law within a period of 3 months from the date of receipt of copy of this order.

Rule is made absolute to the aforesaid extent only, with no order as to costs.

(patel)